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OFFICE OF PETITIONS

Applicant: Pinzon et al.

Appl. No.: 09/733,896

Filing Date: December 12, 2000

Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE
POLYMERS AND METHODS OF USING SAME

Attorney Docket No.: 05725.0806-00

Pub. No.: US 2002/0120036 A1

Pub. Date: August 29, 2002

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on October 29, 2002 for the above-identified application.

The request is granted-in-part.

The corrected patent application publication will be published in due course and will only include corrections for errors made by the Office.

A patent application publication is based on the application papers as originally filed, according to 37 CFR 1.215(a), which says the following, in part:

(a) . . . The patent application publication will be based upon the application papers deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. . . . The patent application publication will not include any amendments, including preliminary amendments, unless applicant supplies a copy of the application containing the amendment pursuant to paragraph (c) of this section.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹ The instant request includes a mistake that is not the fault of the Office, which will not be corrected by a corrected publication made by the Office.

Specifically, the material error applicant labels "1" is that the assignment information was not printed on the patent application publication. The assignment information was not printed on the front page of the published application, because it was not provided on the transmittal letter or on

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

an application data sheet.²

Specifically, the material error applicant labels "2" is that paragraph 0006 should include a paragraph break between the sentence ending with "gums" and the sentence beginning with "[i]he invention also provides for." While this error is due to the lack of a period in the sentence which ends with "gums", it will be corrected in the corrected patent publication.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(b), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

By mail to: Box PGPUB
Commissioner for Patents
Washington, DC 20231

By facsimile: 703-305-8568

The application is being forwarded to the Office of Pre-Grant Publication (PG-PUB) in Crystal Park 3-905 for further processing.

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

Mark O. Polutta
Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

²See Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).